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Forty-ninth session
Item 4 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED TERRITORIES, INCLUDING PALESTINE

Letter dated 21 December 1992 from the Permanent Observer for Palestine to the United Nations and other international organizations at Geneva addressed to the Under-Secretary-General for Human Rights

Following the crime of the deportation of 418 Palestinians on 17 December 1992, the Israeli military forces opened fire with machine guns on Saturday, 19 December 1992 against Palestinian civilians in Khan Younis and Al-Arroub, killing 7 of them and injuring over 40 others.

These crimes were perpetrated while all the Occupied Palestinian Territories were under curfew and also considered by the Israeli occupation authorities as a closed military zone, since more than 10 days ago.

With this new mass killing against the Palestinian people, the Israeli authorities violated article 3 of the Universal Declaration of Human Rights, article 6 of the International Covenant on Civil and Political Rights as well as article 3 of the Fourth Geneva Convention of 1949.

This new mass killing was perpetrated at the same time when the Security Council was adopting a resolution condemning the deportation of the Palestinians by the Israeli authorities, and urging Israel to allow forthwith the deportees to go back to their homeland.

These practices show, once again, the real face of the Israeli Government under the leadership of Yitzhak Rabin, and reflect the real stand of the Israeli Government against genuine peace and against the peace process supported by international public opinion.

We draw the attention of international public opinion and of the international community to the fact that the policy of Yitzhak Rabin based on the deportation of the Palestinians as well as on the mass killing of our Palestinian people will not affect their intifadah under the Israeli occupation.

Before this new deterioration of the situation, we kindly request you to act with the Chairman of the Commission on Human Rights and intervene to urge Israel to put an immediate end to such practices violating the provisions of international law and the Universal Declaration of Human Rights. We finally request you to consider the present memorandum as an official document of the forty-ninth session of the Commission on Human Rights.

(Signed): Nabil Ramlawi
Permanent Observer for
Palestine

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Letter dated 5 October 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights

With reference to our note of 28 September 1992 concerning the situation of Palestinian detainees in Israeli prisons and detention centres in the occupied territories and the inhuman practices of the occupation authorities, we wish to inform you that the number of Palestinian detainees on hunger strike since 27 September 1992 has risen to 5,000 persons. They are protesting against Israeli ill-treatment and demanding its cessation and an improvement in their living conditions in a manner consistent with the principles of international humanitarian law and the International bill of Human Rights. This hunger strike has led to a further deterioration in the health of the detainees, in the light of which our people in the occupied Palestinian territories have launched a campaign of solidarity which has taken numerous forms, including peaceful strikes and demonstrations led by the families and friends of the detainees. However, instead of responding to the just humanitarian demands of the detainees and their families, the Israeli occupation authorities have continued their inhuman practices in the prisons and detention centres and their troops have opened fire on civilian demonstrators. The victims included: Anwar al-Hajj Shafiq al-Mutawwar, aged 16, killed in the town of Sa'ir on 1 October 1992; Ramiz Abdul Ghaffour Asaad Amru, aged 16, killed in the village of Anza in the district of Jenin on

2 October 1992; Muhammad Sadiq Kameel, aged 20, and Muhammad Ahmad Nafi' Nazzal, aged 27, killed in the town of Qabatiya on 3 October 1992; and more than 20 other citizens who were wounded by live ammunition.

These acts, as well as ill-treatment and torture in prisons and detention centres and the wilful murder of Palestinian civilians, are incompatible with the provisions of international humanitarian law and the International Bill of Human Rights and do not indicate good intentions on the part of the Israeli occupation authorities in regard to the just peace to which our people is aspiring in the region. On the contrary, they confirm the extent to which Israel is attempting to deceive international public opinion when talking of peace at a time when it is committing the most odious crimes against those with whom it is seeking to make peace.

The prisoners have sent a number of letters to human rights organizations and delegates of the International Committee of the Red Cross in which they have called upon international institutions to intervene with a view to putting an end to those acts and practices and providing protection for Palestinian detainees in the prisons. Various institutions in the occupied territories have also sent letters in which they have appealed to the Secretary-General of the United Nations, the Commission on Human Rights and the International Committee of the Red Cross to make representations to the Israeli occupation authorities with a view to saving the lives of detainees in prisons and detention centres and putting an end to the use of live ammunition against innocent civilians, as well as the crimes of wilful murder which Israeli occupation forces are committing against Palestinian citizens in full impunity and without any scruples or qualms of conscience.

We would be grateful if you, together with the Chairman of the Commission on Human Rights, would kindly make representations to the Israeli occupation authorities with a view to saving the lives of Palestinian detainees in Israeli prisons and urging those authorities to cease their acts of murder against Palestinians. You are also kindly requested to circulate this note, together with the annexed supplementary memorandum from the Human Rights Centre at Gaza addressed to the Secretary-General of the United Nations, as official documents of the forty-ninth session of the Commission on Human Rights for consideration under agenda item 4.

(Signed): Nabil Ramlawi
Ambassador and Permanent Observer

Memorandum addressed to the Secretary-General of the United Nations and the Commission on Human Rights, concerning violations of the rights of Palestinian detainees and the hunger strike by 17,000 Palestinian detainees in Israeli occupation prisons and detention centres in protest against repressive practices

For a long time, the Israeli occupation authorities operating the prisons and detention centres in the occupied Arab territories have been escalating their repressive practices and their violations of the rights of Palestinian detainees in those prisons and detention centres and these practices were further intensified during the period from 1 August to 26 September 1992, the date on which we received information indicating that the Palestinian detainees had declared a full and open-ended hunger strike. This coincided with the period in which attention was focused on the Arab-Israeli negotiations that were taking place at Washington during the sixth round of the negotiating process.

The Palestinian detainees are suffering from the harshest treatment experienced by any prisoners in modern times and are being subjected daily to numerous repressive practices, assaults on their dignity and violations of their rights. For a long time, they have been denied the right to receive visits from their families for various reasons. The closure of the occupied territories is sometimes invoked as a pretext, as happened several times when the occupied Gaza Strip was closed last May due to problems between the settlers and the Palestinian population as a result of which the Strip was declared a closed military zone which the population could neither enter nor leave. Consequently, the families of detainees were prevented from visiting them for long periods of time ranging from two months when the entire Strip was closed to three months or more when only some of its areas were closed. On other occasions, family visits are prohibited as a means to punish the detainees or their families on various spurious pretexts such as the provocation of an argument with one of the visitors, as a result of which the visit is cancelled as a collective punishment for all the detainees and their families, or on grounds of demands made by the detainees for the enjoyment of their legitimate rights in regard to proper food and health care or other problems with which the detainees are faced every day due to the deliberate attempts by the administrations of the prisons and detention centres to subjugate the prisoners and force them to obey harsh instructions of an inhuman or degrading nature.

Both the detainees and their families sometimes refuse visits which are to take place under humiliating and shameful conditions, in which women and young girls are stripped naked for purposes of searches on "security" grounds in spite of the fact that the procedure for visits, in which the detainees and their visitors are separated by barbed wire or perspex partitions to prevent any physical contact, makes those disgraceful searches both unjustified and illegitimate, particularly when the ladies are treated in a humiliating and sarcastic manner while they are taking off their clothes in compliance with unethical and inhuman orders.

The administrations of the prisons and detention centres have procrastinated and made numerous false promises since the outbreak of the Gulf crisis on 2 August 1990 when severe repressive measures were taken in

violation of all the human rights of the Palestinian detainees. Those measures were intensified to an alarming extent after the commencement of the Gulf war on 17 January 1991 when the detainees were subjected to the worst conditions of detention in which their very lives were at risk due to the strict isolation and extreme conditions of hardship that were imposed on them. They were also subjected to beatings and tear-gas and, in some military detention centres, plastic bullets and live ammunition were fired at them, as happened at the Ansar 3 desert detention centre where several detainees suffered gunshot wounds and were prohibited from seeing their wives and children. However, the prison authorities failed to honour any of their promises after the detainees showed flexibility and good intentions by abandoning their previous hunger strike which they declared almost one year ago not with a view to obtaining a substantial improvement in their conditions of detention but merely in order to recover the basic rights which they were being denied through the confiscation of all the transistor radios, newspapers, magazines, books and clothes in their possession, the reduction in the supply of cleaning materials to less than half the previous quantity, the neglect of general hygiene and the reduction in the quantity and quality of their food in so far as the detainees were deprived of fruit and vegetables and, in some detention centres, were provided with food unfit for human consumption. The quantity of bread and fresh food was reduced to an inadequate level and supplied only after long delays designed to ensure that some of it was inedible.

Since that time, the detainees have been suffering from poor health care, lack of medical treatment and failure to perform necessary surgical operations more than two years after they have been prescribed as essential for some detainees. During a visit to Nafha prison during the last hunger strike one year ago, the Centre for Human Rights at Gaza obtained eyewitness accounts of the lack of medicines and antibiotics, with the exception of a few Aspirin or Acamol tablets, the other medicine cabinets being empty. This implies that the detainees are constantly in danger.

The places of detention are also infested with insects, mice, snakes and scorpions, particularly at Ansar 3 and at Ramla prison, which contains an isolation block known as "Neitzan" in which 28 detainees are being held under harsh and unhygienic conditions without sunlight or fresh air in dungeons 2.5 metres underground. Those dark dungeons are situated below old sewage pipes which leak onto the detainees' bedding and the inmates are allowed to go out into the courtyard, with their arms manacled in old-style iron shackles, only for one hour a day.

It has frequently been proposed, to no avail, that this block should be abolished and the isolated detainees returned to their detention centres where they can live among their fellow Palestinian prisoners, since there is no justification for their continued detention in that block for long periods of time sometimes exceeding two years. The prison authorities have isolated many detainees in solitary confinement under inhuman and illegal conditions in dark cells on the pretext that they had demanded their rights and in order to force them to submit to degrading and inhuman conditions of detention. Those Palestinian detainees include Saleem Hussein al-Zurei'i, who has spent 22 years in detention and was transferred from Nafha desert prison to Beersheba prison where he is being held in solitary confinement in spite of

his poor health (he is suffering from angina pectoris and other chronic diseases), as well as Samir Qantar, Muhammad al-Awawideh, Saleem al-Amoudi, Sami Abu Samahdana, Jabr Washah, Ahmad Sa'adat, Ahmad Qatamish and other sick detainees who have been in prison for long periods of time.

The prison authorities have adopted the policy of harassing detainees by issuing orders and instructions aimed at introducing a lethal routine and boredom into their lives. Detainees held in various cell blocks within the same prison are not allowed to contact or visit each other and individuals and groups of detainees are transferred elsewhere from time to time. The almost daily searches of cells and their occupants have led to clashes between the detainees and the prison guards, who use asphyxiating gas against the prisoners, particularly when the latter protest at their behaviour and inhuman practices.

The windows of the Nafha detention centre are still covered with asbestos sheets in spite of the administration's promises to remove them following the detainees' hunger strike about one year ago. The detainees are not free to choose the persons who represent them in their dealings with the administration and numerous restrictions are imposed on the practice of religious observances and the celebration of religious and national festivals.

The prison authorities are still refusing to consider the allocation of dining halls where the detainees can eat instead of being forced to take their meals in their cells on the floor near the toilets. Racial discrimination is practised in regard to the manner in which Palestinian and Jewish prisoners are treated, in spite of the fact that the Palestinian detainees are political prisoners who are detained on account of their struggle to recover their legitimate rights and should therefore be treated in accordance with the Fourth Geneva Convention, which Israel is refusing to apply. Jewish prisoners serving sentences for criminal offences are treated better than the political detainees; they have dining halls and are permitted to receive visits from their wives and families, whom they can also contact by telephone once a week, whereas the Palestinian detainees are denied all these rights and the authorities have refused to remove the screens and partitions that separate the detainees from their families during visits, thereby depriving the Palestinian prisoners of tender human contact with their children and families.

The authorities are also pursuing a policy of depriving detainees of their right to education and further studies in the detention centres. The detainees are not allowed to enrol for correspondence courses at institutes, colleges or open universities and no halls in the prisons are allocated for purposes of education and study. They are denied access to educational requisites such as writing paper, books and other materials. Furthermore, the authorities are opposed to the idea of providing fans or heaters in the cells and blocks, in spite of the lack of any heating system during the extremely cold winter season.

The detainees are also suffering from overcrowding, limited space available for recreation, a shortage of beds and clothing and restrictions that are imposed on purchases from the canteen, where they are allowed to buy only a specified number of articles. The detainees are forced to stand and

wait during roll-calls and methods of intimidation are used with a view to forcing them to disclose information to the prison guards. This causes problems, particularly when the detainees are minors.

Female Palestinian detainees held at Tel Mond prison are subjected to immoral practices and mixed with female Jewish prisoners convicted of criminal offences. Their request to be transferred to detention centres near their places of residence has been refused.

The Centre for Human Rights at Gaza is deeply concerned at the inhuman manner in which the administrations of prisons and detention centres are treating our detainees and prisoners. We regard these practices as among the gravest violations of human rights in the occupied Arab territories.

The Centre calls upon all States parties to the Fourth Geneva Convention to make representations to the Israeli authorities with a view to ensuring that they respect the Geneva Conventions, particularly in regard to the protection of civilian persons in time of war, the rights of detainees and the manner in which prisoners should be treated.

Such practices constitute flagrant violations of the Universal Declaration of Human Rights, particularly articles 9 and 26 thereof, as well as the provisions of the International Covenant on Civil and Political Rights (arts. 7, 9 and 10). In actual fact, these inhuman acts of repression and torture are extremely serious since they are strictly prohibited under international law and the provisions adopted by the United Nations on 10 December 1984 concerning cruel, inhuman or degrading treatment or punishment.

The continuation of these practices is endangering the lives of thousands of detainees who have declared a full and open-ended hunger strike in protest. Accordingly, urgent attention must be given to this serious matter which requires a response to the detainees' demands for an improvement in their inhuman living conditions and respect for their rights in accordance with the universally recognized principles of law and the Fourth Geneva Convention.

The Centre for Human Rights at Gaza appeals to all governmental and non-governmental human rights organizations and to the consuls and ambassadors of States to make urgent representations to the Israeli authorities, particularly the Minister of Defence and the Director of the Department of Prisons, with a view to putting an end to violations of the rights of Palestinian detainees and ensuring that human rights are respected.

It would also be appreciated if representations could be made to the Secretary-General of the United Nations and the United Nations Commission on Human Rights in this regard.

Mr. Muhammad Abu Sha'aban (attorney, tel. 8661178 or 864099) of the Centre for Human Rights at Gaza can be contacted for further information.

(Signed): Muhammad Hashim Abu Sha'aban
Chairman of the Centre for Human Rights at Gaza

Urgent annex to the report

1 October 1992

The prison authorities have intensified their repressive measures by prohibiting visits to some detainees at Nafha prison. The prison guard Makhlouf informed the families of a large number of detainees at that prison that they would not be allowed to visit. He said that some of the detainees were sick and 10 others were unable to walk. While he was making that statement to the families, they observed a large number of prison guards, policemen and troops forcing their way into the blocks of the detention centre carrying truncheons and tear-gas canisters and grenades. A few minutes later they heard the detainees screaming inside the cell blocks and they saw the area of the prison covered with gas fumes. Those families from the Gaza Strip had to return home without visiting their relatives.

(Signed): Muhammad Hashim Abu Sha'aban
Chairman of the Centre for Human Rights at Gaza